

**MINUTES RECAP  
MARYSVILLE CITY COUNCIL - REGULAR MEETING  
JANUARY 10, 2000**

000078

CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	All present.
MINUTES OF PREVIOUS MEETING	
1. January 3, 2000 city council	Approved as corrected.
AUDIENCE PARTICIPATION	
None.	
PRESENTATIONS/PETITIONS/COMMUNICATIONS	
1. Nationally credentialed law enforcement officer, Debbie Soren.	
2. LeRoy Berry, MSAC retiree	
ACTION ITEMS	
<b>REVIEW BIDS</b>	
None.	
<b>PUBLIC HEARING</b>	
1. Moratorium on gambling activity	Moratorium extended through July 13, 2000
<b>CURRENT BUSINESS</b>	
None.	
<b>NEW BUSINESS</b>	
1. Entering sight distance	Approved changes.
2. No parking SR528 at 65 <sup>th</sup> Drive N.E.	Continued to 2/14.
3. Snohomish Countywide Arterial Network	Approved participation.
<b>CONSENT AGENDA</b>	
1. Approve January 10, 2000 claims in the amount of \$299,640.34 paid by check nos. 49801 through 49932 with check nos. 49429 and 49488 void.	Approved.
2. Approval of Sunnyside Boulevard Interim Improvement Project and begin 45-day lien filing period.	Approved.
<b>LEGAL MATTERS</b>	
None.	
<b>ORDINANCES AND RESOLUTIONS</b>	
1. An Ordinance of the City of Marysville affirming the decision of the Hearing Examiner and rezoning property owned by Jubie Construction, amending the official zoning map of the city.	Approved Ordinance 2308.
2. An Ordinance of the City of Marysville continuing the moratorium on gambling activities as provided in Ordinance No. 2270, and adopting Findings supporting the same.	Approved Ordinance 2309.
3. A Resolution of the City of Marysville establishing February 7, 2000 as the date upon which a hearing shall be held before the Marysville City Council to consider vacation of a portion of right-of-way at 42 <sup>nd</sup> Drive N.E., south of 92 <sup>nd</sup> Street N.E. and east of State Ave. in the City of Marysville.	Approved Resolution 1960.
4. A Resolution of the City of Marysville establishing February 7, 2000 as the date upon which a hearing shall be held before the Marysville City Council to consider vacation of a portion of right-of-way at 41 <sup>st</sup> Avenue N.E., south of 134 <sup>th</sup> Street N.E., and east of State Ave. in the City of Marysville.	Approved Resolution 1961.
5. A Resolution of the City of Marysville establishing February 28, 2000 as the date upon which a hearing shall be held before the Marysville City Council to consider vacation of a portion of right-of-way at 75 <sup>th</sup> Avenue N.E., south of 56 <sup>th</sup> Street N.E., in the City of Marysville.	Approved Resolution 1962.
6. A Resolution of the City of Marysville establishing February 28, 2000 as the date upon which a hearing shall be held before the Marysville City Council to consider vacation of a portion of 56 <sup>th</sup> Street N.E., west of 75 <sup>th</sup> Avenue N.E. in the City of Marysville.	Approved Resolution 1963.
7. A Resolution of the City of Marysville amending Resolution No. 1901 granting a variance for Emerald Land Development, LLC, for property located south of 108 <sup>th</sup> Street N.E. at the 57 <sup>th</sup> Drive N.E. alignment (58xx-108 <sup>th</sup> Street N.E.), Marysville, by extending the duration thereof..	Approved Resolution 1964.
8. A Resolution of the City of Marysville restricting parking on 76 <sup>th</sup> Street N.E. east of 48 <sup>th</sup> Drive N.E., City of Marysville.	Approved Resolution 1965.
9. A Resolution of the City of Marysville amending the Personnel Rules by providing new sections 5 and 5.1 to Chapter VII, relating to Administrative Leave.	Approved Resolution 1966.
<b>INFORMATION ITEMS</b>	
1. Mayor's business	Committee assignments approved.
2. Staff's business	
3. Call on councilmembers	
ADJOURN	10:15 p.m.

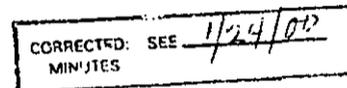
**MINUTES  
MARYSVILLE CITY COUNCIL - REGULAR MEETING  
JANUARY 10, 2000**

**CALL TO ORDER/FLAG SALUTE/ROLL CALL**

The meeting was called to order by Mayor Weiser at 7:00 p.m. in the council chambers, and the assemblage joined in the flag salute. A voice roll call of councilmembers was conducted. Attendance was as follows:

Councilmembers Present:  
Dave Weiser, Mayor  
Mike Leighan, Mayor Pro Tem  
Shirley Bartholomew  
Jim Brennicks  
NormaJean Dierck  
Donna Pedersen  
Suzanne Smith  
John Soriano

Administrative Staff present:  
Dave Zabell, City Administrator  
Robert Carden, Chief of Police  
Gloria Hirashima, City Planner  
Grant Weed, City Attorney  
Ken Winckler, Public Works Director  
Owen Carter, City Engineer



**MINUTES OF PREVIOUS MEETING**

1. City Council Meeting, January 3, 2000.  
Councilmembers noted the following corrections:
  - The Minutes Recap, Roll Call, should read "Pedersen absent."

**MOTION** by Bartholomew, second by Brennicks, to approve the minutes of the January 3, 2000 council meeting as corrected. Motion carried unanimously (6-0-1) with Pedersen abstaining.

**AUDIENCE PARTICIPATION**

None.

**PRESENTATIONS/PETITIONS/COMMUNICATIONS**

1. Nationally credentialed law enforcement officer, Debbie G. Soren  
Mayor Weiser explained the extensive requirements for achieving this status and presented Officer Soren with a plaque commemorating her achievement.
2. LeRoy Berry - MSAC retiree  
Mayor Weiser presented Mr. Berry with a plaque and thanked him for his 10 years of dedicated service to Marysville Seniors Against Crime.

**ACTION ITEMS**

**Review Bids**

None.

**Public Hearing**

1. Moratorium on gambling activity  
Mayor Weiser gave the background information, noting a committee had been formed to carefully review the legislation and court decisions. Four citizens and two councilmembers had expressed an interest in serving on the committee. The city had received no new applications for a gambling license. Mr. Weed added that some cities regulated gambling through taxation and some through their zoning codes, in spite of an Attorney General's opinion which seemed to bar cities from adopting their own regulations. Continuing the moratorium would allow time to clarify the gambling regulations and determine what the city had authority to do.

The Mayor opened the hearing to public testimony.

Deanna Vaughan, 6617 83rd Place NE, spoke in support of continuing the moratorium, providing councilmembers with many statistics from cities around the country.

No one else wished to speak; the Mayor closed the public testimony portion of the meeting.

**MOTION** by Pedersen, second by Dierck, to extend the moratorium on gambling through July 13, 2000. Motion carried unanimously (7-0).

### **Current Business**

None.

### **New Business**

#### 1. Entering site distance

Mr. Carter presented the background material, noting the Traffic Safety Committee recommended relaxing the Engineering Design and Development Standards for entering sight distances on low volume driveways, alleys and some private driveways.

Mayor Weiser asked for public input.

Jeff Seibert, 5004 80<sup>th</sup> Street, suggested the existing standards were unrealistic and supported the recommended action.

**MOTION** by Brennick, second by Bartholomew, to approve the recommended action and adopt revised section 3-212 and standard plans 3-212-001 and 3-212-002 to the Engineering Design and Development Standards. Motion carried unanimously (7-0).

#### 2. No parking SR528 at 65<sup>th</sup> Drive N.E.

Mr. Carter advised the Traffic Safety Committee had received a letter from Ms. Niva concerning sight distance entering onto SR528 from 65<sup>th</sup> Drive N.E. Applying the Design Standards to the area indicated that parking should be eliminated 400 feet to the east and 300 feet to the west. Community Transit could distribute rider alerts regarding this change so commuters would be aware, and the Ash Park and Ride lot would be available for commuter parking this fall.

Councilmember comments included:

- Move CT's bus stop to the west, where there was only a stretch of fencing and no driveways.
- Darkness compounded the problems in the area. Further tests should include sight distances in the dark.
- Look at the whole area, not just one intersection because there had been complaints from residents of the trailer park about parked cars blocking the sight distance when they exited.
- Questioned big rig parking. Mr. Zabell reviewed the criteria; Mr. Carter suggested that 67<sup>th</sup> did have the required width for rigs to park there legally.
- There needed to be adequate parking for those people wishing to use the park.

Mr. Zabell suggested staff would like to discuss the possibility of moving the bus stop with Community Transit and the park with Mr. Ballew. Some improvements were planned for that park this year. Mr. Winckler added that staff would be presenting information at the next meeting regarding truck routes and the parking of big rigs.

**MOTION** by Bartholomew, second by Pedersen, to continue consideration of this topic to the February 14 council meeting to allow time for input from Community Transit and the Parks Department. Motion carried unanimously (7-0).

#### 3. Snohomish Countywide Arterial Network

Mr. Carter explained this was an effort to look at arterials as a region, so all affected cities would understand the consequences of any one road project. The first step was to develop a brochure, which could be taken to the legislature, SCIT, Snohomish County Tomorrow, and other venues. The effort had received \$275,000 of federal funds through

Snohomish County Tomorrow. Mr. Zabbell added that the county wanted a show of support from each participating city. This would also put the public on notice of what the county and cities were considering on a regional basis. It would serve to give notice of road projects well in advance.

Councilmember Smith asked about condemnation of properties for an arterial network. Mr. Carter responded that participating in the regional study would not require condemnation of any properties; an actual road-widening project could. Mr. Winckler added that there were many methods available for acquiring properties other than condemnation.

Mr. Winckler noted that research had been done in the past which showed 51<sup>st</sup> and 88<sup>th</sup> as the two most difficult but valuable routes for this area. Councilmember Bartholomew noted that 67<sup>th</sup> had also been discussed but the state determined that farmers' ditches were spawning streams, so it was removed from consideration.

There was no public testimony on this topic.

**MOTION** by Bartholomew, second by Brennick, to direct Public Works to continue to participate in the development of SnoCAN. Motion carried unanimously (7-0).

**CONSENT AGENDA**

1. Approve January 10, 2000 claims in the amount of \$299,640.34 paid by check nos. 49801 through 49932 with check nos. 49429 and 49488 void.

**MOTION** by Pedersen, second by Dierck, to approve consent item 1. Motion carried (6-0-1), with Councilmember Leighan abstaining.

2. Approval of Sunnyside Boulevard Interim Improvement Project and begin 45-day lien filing period.

Councilmember Dierck asked if the storm drains had been built in compliance with the city's stormwater management plan. Mr. Carter replied that the improvements had been done by Bill Roberts in conjunction with his development and they were in compliance. Councilmember Brennick asked if Mr. Roberts completed his plat; Mr. Winckler responded that the plat was complete but there were two segments of another plat still under construction, which would not be done until spring.

**MOTION** by Bartholomew, second by Leighan, to approve item 2. Dierck voted nay; all others voted aye. Motion carried (6-1).

**Legal**

None.

**Ordinances and Resolutions**

1. An Ordinance of the City of Marysville affirming the decision of the Hearing Examiner and rezoning property owned by Jubie Construction, amending the official zoning map of the city.

**MOTION** by Leighan, second by Bartholomew, to adopt Ordinance 2308. Motion carried unanimously (7-0).

2. An Ordinance of the City of Marysville continuing the moratorium on gambling activities as provided in Ordinance No. 2270, and adopting Findings supporting the same.

**MOTION** by Pedersen, second by Dierck, to adopt Ordinance 2309. Motion carried unanimously (7-0).

3. A Resolution of the City of Marysville establishing February 7, 2000 as the date upon which a hearing shall be held before the Marysville City Council to consider vacation of a

portion of right-of-way at 42<sup>nd</sup> Drive N.E., south of 92<sup>nd</sup> Street N.E. and east of State Avenue in the City of Marysville.

**MOTION** by Dierck, second by Leighan, to approve Resolution 1960. Motion carried unanimously (7-0).

4. A Resolution of the City of Marysville establishing February 7, 2000 as the date upon which a hearing shall be held before the Marysville City Council to consider vacation of a portion of right-of-way at 41<sup>st</sup> Avenue N.E., south of 134<sup>th</sup> Street N.E., and east of State Avenue in the City of Marysville.

**MOTION** by Pedersen, second by Smith, to approve Resolution 1961. Motion carried unanimously (7-0).

5. A Resolution of the City of Marysville establishing February 28, 2000 as the date upon which a hearing shall be held before the Marysville City Council to consider vacation of a portion of right-of-way at 75<sup>th</sup> Avenue N.E., south of 56<sup>th</sup> Street N.E., in the City of Marysville.

**MOTION** by Dierck, second by Smith, to approve Resolution 1962. Motion carried unanimously (7-0).

6. A Resolution of the City of Marysville establishing February 28, 2000 as the date upon which a hearing shall be held before the Marysville City Council to consider vacation of a portion of 56<sup>th</sup> Street N.E., west of 75<sup>th</sup> Avenue N.E. in the City of Marysville.

**MOTION** by Soriano, second by Leighan, to approve Resolution 1963. Motion carried unanimously (7-0).

7. A Resolution of the City of Marysville amending Resolution No. 1901 granting a variance for Emerald Land Development, LLC, for property located south of 108<sup>th</sup> Street N.E. at the 57<sup>th</sup> Drive N.E. alignment (58xx-108<sup>th</sup> Street N.E.), Marysville, Washington, by extending the duration thereof.

**MOTION** by Smith, second by Leighan, to approve Resolution 1964. Motion carried unanimously (7-0).

8. A Resolution of the City of Marysville restricting parking on 76<sup>th</sup> Street N.E. east of 48<sup>th</sup> Drive N.E. in the City of Marysville.

**MOTION** by Pedersen, second by Bartholomew, to adopt Resolution 1965. Motion carried (6-0-1) with Councilmember Dierck abstaining.

9. A Resolution of the City of Marysville amending the Personnel Rules by providing new sections 5 and 5.1 to Chapter VII, relating to Administrative Leave.

**MOTION** by Bartholomew, second by Smith, to adopt Resolution 1966. Leighan voted nay, all others voted aye, motion carried (6-1).

#### **DISCUSSION ITEMS**

None.

#### **INFORMATION ITEMS**

1. Mayor's business
  - The 2000 budget still included funding for in-house custodial staff, but no positions were actually approved. Mr. Zabell added that the city had contracted for these services for 90 days and needed to either begin the hiring process or issue an RFP for contractors. Mr. Kennedy gave details of the complaints and problems with the existing contractor and supported an in-house custodial crew. Councilmember Pedersen suggested that adding staff would not be appropriate in light of I-695. Councilmember Brennick encouraged stronger enforcement of the contract with the current contractors so the city was not paying for shabby work.

**MOTION** Bartholomew, second by Brennick, to direct staff to bring back a budget amendment removing the funding for in-house custodial and HVAC personnel. Motion carried unanimously (7-0).

- Regarding committee assignments, the Mayor distributed his suggested committee appointments. Councilmember comments included:
  - Newer councilmembers would give a different perspective to some committees and more accurately reflect the views of the current council.
  - Committee assignments should be made based on the interests of councilmembers as opposed to straight Mayoral appointment.
  - It was an accepted practice for the Presiding Officer to make appointments.
  - The current senior councilmembers, when they were new to the council, had waited their turn for the more desirable committee assignments.
  - The experience of senior councilmembers was invaluable on the committees.
  - A mix of tenured and newer councilmembers would give an opportunity for the new members to learn.
  - Committees don't make decisions but bring recommendations to the council.
  - Service on a specific committee would give a councilmember a deeper understanding of that area.

Councilmember Dierck repeated her request to serve on the Tribes because they had donated to her campaign and also the Fire Board, noting she had obtained an opinion from Municipal Research that she would not be disqualified from serving on Tribes because of their contributions to her election campaign, and there would be no conflict of interest with her serving on the Fire Board even though her brother served as Deputy Chief of the Fire Department. Councilmember Bartholomew emphasized it was improper for a councilmember to serve in any capacity with the stated purpose of supporting a particular group which had given a campaign contribution; there was a body of case law speaking to this issue.

Councilmember Soriano stated he was initially concerned about being appointed to four committees without any discussion of his strengths and weaknesses, but after consideration he was comfortable with the Mayor's recommendations. Councilmember Smith stated she was pleased with most of her assignments but wanted to see annual rotation, moving one member out and another one in.

Councilmember Brennick suggested all members of the city council were elected and had equal standing; he suggested discussing and voting on each of the proposed assignments with the aim of having two senior and one junior member on each committee. Councilmember Bartholomew questioned voting outside of the agenda. Councilmember Brennick suggested the council could add to the agenda so it would be acceptable to discuss and vote on each committee.

Mayor Weiser gave some background on the discussions regarding assignments which had taken place over the years, the growing number of committees, and the importance of having certain strengths and skills on some.

**MOTION** by Brennick, second by Dierck, that the council review the Mayor's recommended committee assignments and vote on them. On roll call vote, Bartholomew and Pedersen voted nay; all others voted aye; motion carried (5-2).

CORRECTED:	SEE	1/24/00
MINUTES	s/b	Brennick

Deliberations were as follows.

1. Utilities. The Mayor recommended Leighan, Bartholomew and Soriano. No changes were requested; the recommendation was accepted.
2. Solid waste. Councilmember Dierck was recommended and Council took confirming action at its January 3<sup>rd</sup> meeting. No further action required.
3. Traffic. Councilmember Smith was recommended. No changes were requested; the recommendation was accepted.
4. Police. The Mayor recommended Pedersen, Brennick and Smith. No changes were requested; the recommendation was accepted.
5. Fire Board. The Mayor recommended Leighan, Pedersen, and Soriano. Councilmember Dierck repeated her interest in serving. After a lengthy discussion regarding the propriety of newer councilmembers asking for and expecting to receive the assignments they desired before more senior members of the council, it was agreed that the recommended assignments would stand. Councilmember Dierck requested that this committee assignment be reviewed in one year.
6. Tribes. The Mayor recommended Leighan, Pedersen, Bartholomew. Councilmember Dierck repeated her interest in serving. After discussion, Councilmember Leighan agreed to withdraw to allow Councilmember Dierck to serve. Councilmembers Brennick and Smith indicated an interest in serving on this committee, also, but stated they would wait their turn in the natural rotation of assignments.

7. Chamber. The Mayor recommended Leighan, Bartholomew and Soriano. No changes were requested; the recommendation was accepted.
8. Access Channel. The mayor recommended Bartholomew, Brennick and Dierck. No changes were requested; the recommendation was accepted.
9. Park Board. The Mayor recommended Soriano. No changes were requested; the recommendation was accepted.
10. Golf. The Mayor recommended Soriano, Dierck and Brennick. No changes were requested; the recommendation was accepted.
11. Building. The Mayor recommended Leighan, Pedersen and Dierck. No changes were requested; the recommendation was accepted.
12. Library. The Mayor recommended Smith. No changes were requested; the recommendation was accepted.
13. Econ/DT. The Mayor recommended Pedersen, Bartholomew and Smith. No changes were requested; the recommendation was accepted.
14. Health Board. Councilmember Pedersen was recommended and Council took confirming action at its January 3<sup>rd</sup> meeting. No further action required.
15. Community Transit. Mayor Weiser was recommended and Council took confirming action at its January 3<sup>rd</sup> meeting. No further action required.
16. Human Services. The Mayor recommended Dierck. No changes were requested; the recommendation was accepted.
17. Hotel/Motel. The Mayor recommended that he serve on this committee. Councilmember Brennick voiced an interest in serving, also. No other changes were requested; it was agreed that Weiser and Brennick would both serve.
18. Budget. The Mayor recommended Pedersen, Leighan, Bartholomew. Smith requested to be an alternate. No other changes were requested; the recommendation, with the addition of Smith, was accepted.
19. SERS. Mayor Weiser noted he was the Vice-Chair of this committee and desired to continue his service. Council agreed to accept the recommendation of Weiser.
20. Snohomish County Tomorrow. The Mayor recommended himself, with Mayor Pro-Tem Leighan as his alternate. No changes were requested; the recommendation was accepted.
21. Graffiti. The Mayor recommended Dierck. Councilmember Dierck noted she had not supported the graffiti ordinance and preferred not to serve on this committee. Councilmember Smith agreed to serve.
22. Gambling. The Mayor recommended Smith. Councilmember Dierck agreed to serve, as Smith had taken the Graffiti assignment.
 

**MOTION** by Brennick, second by Dierck, to accept the above list of committee assignments as negotiated. Pedersen voted nay; all others voted aye; motion carried (6-1).

  - The Mayor and councilmembers Brennick, Smith and Soriano would attend the first "Welcome to city Hall" meeting on January 13<sup>th</sup> in Bellevue.

## 2. Staff's business

### Chief Carden:

- Some of the equipment at the Lake Loma site would be utilized in a replacement backup system.
- The last DARE graduations were scheduled for the 14<sup>th</sup> at Kellogg Marsh, the 28<sup>th</sup> at Quilceda and the 21<sup>st</sup> at Tulalip. These would be the last DARE graduations. The school district had implemented their "Here's Looking at You 2000" program.
- The city incurred approximately \$10,000 in officer time in support of WTO. A bill had been sent.

### Ms. Hirashima:

- The city received a copy of the proposed 4D Rule and it was under review at the staff level.

### Mr. Zabell:

- Reminded council that Monday the 17<sup>th</sup> was a holiday and city hall would be closed.

## 3. Call on councilmembers

### Councilmember Smith:

- Asked about combining the actions of setting a hearing date and approving the requisite resolution, such as for the vacations council acted on earlier. Mr. Weed responded that council could make the motion and adopt the resolution at the same time if the resolution was prepared in advance.

### Councilmember Pedersen:

- Reported on the Library Board, noting Marysville out-read the City of Everett. There had been some vandalism at the library. She requested staff to review the lighting at the back of the parking lot and asked the Police Department to check the area often.

### Councilmember Dierck:

- Asked staff to check the signs on 76<sup>th</sup>; they were not placed where they were supposed to be.

**ADJOURN**

Council adjourned at 10:15 p.m.

Accepted this 24<sup>th</sup> day of January, 2000.

*David Weener*  
 Mayor

*Mary P. Swenson*  
 City Clerk

*[Signature]*  
 Recording Secretary